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7
8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 UNITED STATES OF AMERICA,
11 Plaintiff,
12 v.
13 HEATH JAMES MACCUDY,
14 Defendant.

Case No. 2:20-cr-00277-GMN-NJK
**STIPULATION TO CONTINUE
SENTENCING HEARING**
(Fourth Request)

16 IT IS HEREBY STIPULATED AND AGREED, by and between Jason M. Frierson,
17 United States Attorney, and Kimberly M. Frayn, Assistant United States Attorney, counsel for
18 the United States of America, and Rene L. Valladares, Federal Public Defender, and
19 Katherine Tanaka, Assistant Federal Public Defender, counsel for Heath James MacCurdy, that
20 the Sentencing Hearing currently scheduled for August 30, 2022, at 10:00 a.m., be vacated and
21 set to a date and time convenient to this Court, but no sooner than thirty (30) days.

22 The Stipulation is entered into for the following reasons:

23 1. Under the terms of the plea agreement, the parties will be seeking an adjustment
24 under U.S.S.G 5G1.3 due to the existence of two pending state cases and the fact that Mr.
25 MacCurdy is in primary state custody. As of August 15, 2022, one of the state cases was
26 dismissed, but the other remains active. The parties are currently communicating with state

1 counsel on the remaining case to make sure the adjustment is appropriate and any supporting
2 records are received.

3 2. The defendant is incarcerated and does not object to the continuance.

4 3. The parties agree to the continuance.

5 This is the fourth stipulation to continue filed herein.

6 DATED this 22nd day of August 2022.

7 RENE L. VALLADARES
8 Federal Public Defender

JASON M. FRIERSON
United States Attorney

9 By/s/ Katherine Tanaka

By /s/ Kimberly M Frayn

10 KATHERINE TANAKA
Assistant Federal Public Defender

KIMBERLY M FRAYN
Assistant United States Attorney

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,
4
5 Plaintiff,
6 v.
7 HEATH JAMES MACCUDY,
8 Defendant.

Case No. 2:20-cr-00277-GMN-NJK
ORDER

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10 IT IS FURTHER ORDERED that the Sentencing Hearing currently scheduled for
11 August 30, 2022, at the hour of 10:00 a.m., be vacated and continued to
12 November 1, 2022 at the hour of 10:00 a.m.

13 DATED this 23 day of August 2022.

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15 UNITED STATES DISTRICT JUDGE
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